

Jan 6, 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR )  
PERMITS FOR DIVERSION AND USE OF )  
SURFACE AND GROUND WATER WITHIN )  
THE SNAKE RIVER BASIN UPSTREAM )  
FROM THE USGS GAUGE ON THE SNAKE )  
RIVER NEAR WEISER )

ORDER AMENDING  
MORATORIUM ORDER  
DATED MAY 15, 1992

The Moratorium Order dated May 15, 1992 is amended as follows:

1. The FINDINGS OF FACT are modified by deleting existing paragraph 1 and by adding a new paragraph 1 as follows:

1. The Snake River Basin in Idaho has experienced six consecutive years of drought, and a drought emergency exists within the Snake River Basin.

2. The FINDINGS OF FACT are further modified by adding the following new paragraphs 6 and 7.

6. The term "non-trust water area" means that area depicted as such on Exhibit "A" attached hereto and by this reference incorporated herein.

7. The Department entered a new Moratorium Order for the non-trust water area on January 6, 1993. The portion of the Snake River basin that is the subject of the new Moratorium Order needs to be eliminated from the geographic scope of this Moratorium Order dated May 15, 1992.

3. The CONCLUSIONS OF LAW are modified by deleting existing paragraph 6 and by adding a new paragraph 6 as follows:

6. A moratorium on issuance of permits to divert and use water from the Snake River Basin upstream from the USGS gauging station on the Snake River near Weiser should be established to protect existing water rights and established minimum stream flows, except that the non-trust water area should be eliminated from the geographic scope of this Moratorium Order dated May 15, 1992.

4. The existing preamble to the Order is deleted and a new preamble is added as follows:

IT IS, THEREFORE HEREBY ORDERED THAT a moratorium is established on the processing and approval of presently-pending and new applications for permits to appropriate

water from all surface and ground water sources within that portion of the Snake River Basin upstream from the USGS gauging station on the Snake River near Weiser, except that the non-trust water area is excluded from the geographic scope of this order. The following provisions apply to administration of the moratorium:

5. The existing paragraph 2 of the ORDER is deleted and a new paragraph 2 is added as follows:

2. The moratorium includes applications filed on all public water sources within that portion of the Snake River Basin tributary to the Snake River upstream from the USGS gauging station on the Snake River near Weiser, located in Section 31, Township 11 North, Range 5 West, Boise Meridian, except that the non-trust water area is excluded from the operation of this Moratorium Order.

6. The remaining portions of the Moratorium Order entered on May 15, 1992 shall remain in full force and effect.

Dated this 6th day of January 1993.

  
R. KEITH HIGGINSON  
Director

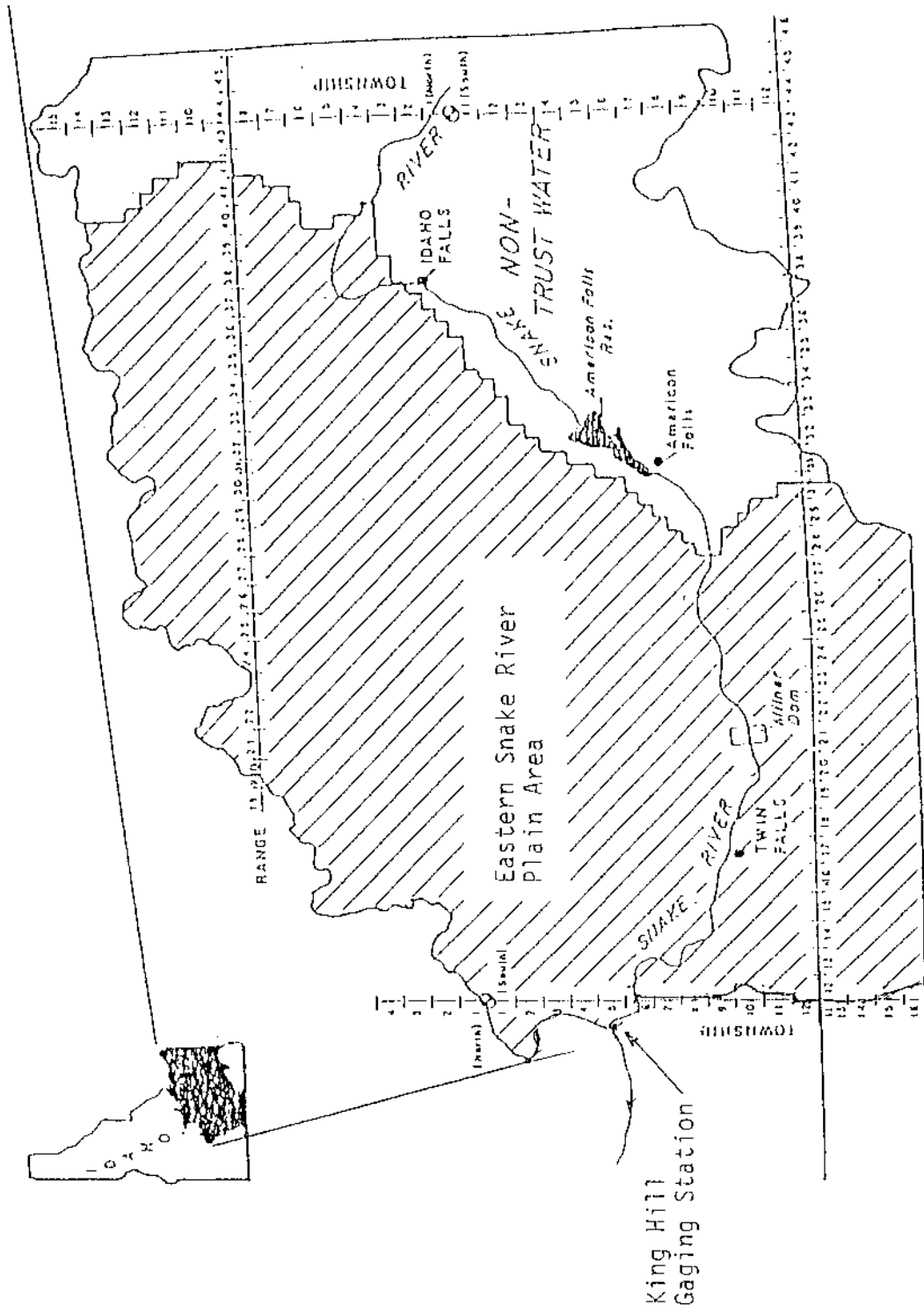


Exhibit A